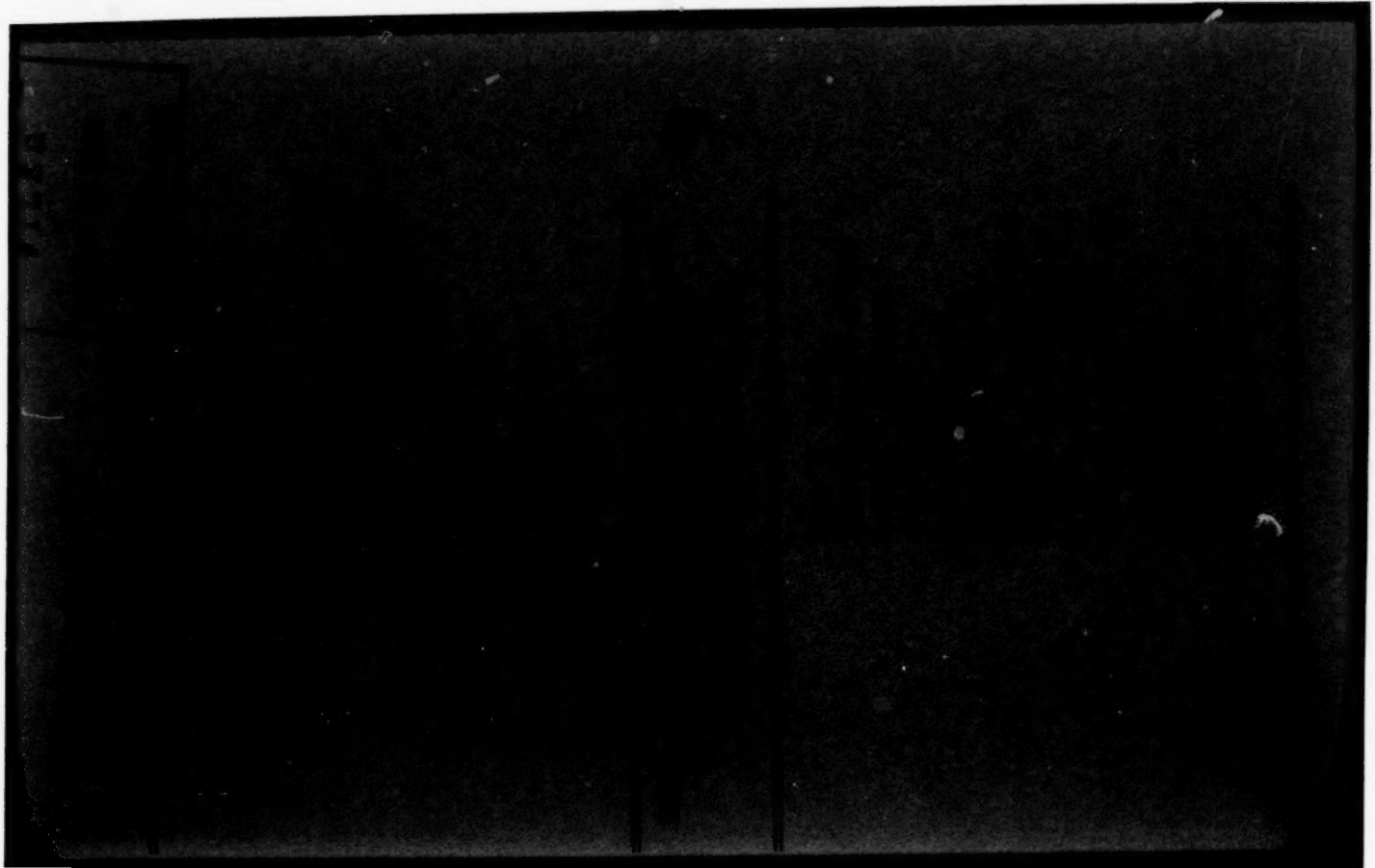

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1968

No. 1214

In the Matter of the Application of
MARTIN ROBERT STOLAR
for Admission to the March, 1969,
Ohio Bar Examination

BRIEF IN OPPOSITION TO A PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

The Attorney General of Ohio and the Columbus Bar Association respectfully pray that a writ of certiorari to review the final order of the Supreme Court of Ohio entered herein on February 27, 1969 be denied.

OPINION BELOW

The unreported order of the Supreme Court of Ohio denying petitioner's admission to the March, 1969 Ohio bar examination appears in the Appendix at page 1a.

PRELIMINARY STATEMENT

The Ohio Constitution gives the Supreme Court of Ohio original and exclusive jurisdiction over admission to the practice of law and requires the Court to make rules governing admission to the practice of law (Article IV, Section 2(B)(1)(g) and Section 5(B), Appendix, pages 9a-10a). The Supreme Court of Ohio has promulgated Rule XVII of its Rules of Practice governing admission to the practice of law (Appendix, page 2a). Section 3 of Rule XVII requires each of the 89 local bar associations in the state (one in

each county except Cuyahoga County which has two), to appoint a Committee on Applicants for Admission to the Practice of Law which "* * * shall be responsible for investigating the character, reputation and moral qualifications of applicants and shall report their findings and recommendations to the Clerk * * *" of the Supreme Court (Appendix, page 3a).

In the questionnaires prerequisite to the taking of the Ohio bar examination (Appendix, pages 20a-31a), petitioner refused to answer questions concerning his membership in organizations "* * * under my right as guaranteed by the Fifth Amendment of the United States Constitution." The bar admission committee of the Columbus Bar Association was unable to complete the investigation into petitioner's character and moral qualifications required by Rule XVII and informed the Clerk of the Supreme Court of Ohio that it could not recommend that petitioner be permitted to take the March, 1969 bar examination.

The Supreme Court, through the Clerk, offered petitioner an opportunity to complete the questionnaire and the character investigation. Petitioner, represented by counsel, declined on the grounds of the First and Fifth Amendments to the Constitution of the United States. Thereupon, the Supreme Court of Ohio denied petitioner's application to take the March, 1969 bar examination. Petitioner filed a petition for a writ of certiorari in this Court contending that the Supreme Court of Ohio has violated Articles III and VI and the First, Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States and that this Court should reverse the action of the Supreme Court of Ohio and admit petitioner to the Ohio bar examination.

The Attorney General of Ohio and the Columbus Bar Association respectfully contend that none of petitioner's

rights under the Constitution of the United States have been violated or infringed by the Supreme Court of Ohio. The facts of petitioner's case show that no substantial constitutional questions are raised herein and that the Supreme Court of Ohio was justified in denying petitioner admission to the March, 1969 bar examination.

Since petitioner cannot show that Rule XVII or the practice of the Supreme Court of Ohio under Rule XVII is repugnant to the Constitution of the United States and cannot claim any right under the Constitution of the United States which is being denied to him by the Supreme Court of Ohio, either of which would give this Court jurisdiction under 28 U.S.C. 1257(3), the petition for a writ of certiorari should be denied.

QUESTION PRESENTED

The only question presented by this case is whether petitioner, who refused to provide relevant information necessary to a determination of his character and moral qualifications, is entitled to be admitted to the Ohio bar examination. This Court, in *Konigsberg v. State Bar of California*, 366 U.S. 36 (1961) and *In Re Anastaplo*, 366 U.S. 82 (1961), has decided that he is not entitled to be admitted under these circumstances.

STATEMENT OF THE CASE

Petitioner is a life-long resident of the State of New York. (Ohio residence is not a requirement for admission to the Ohio bar examination or to the practice of law in Ohio, but petitioner's New York residence and his previous admission to the New York Bar are relevant to his unwillingness to comply with Rule XVII of the Rules of Practice of the Supreme Court of Ohio.) In June, 1968, petitioner was graduated from the New York University

School of Law. In July, 1968 he took the New York bar examination.

On or about August 28, 1968 petitioner came to Columbus, Ohio, on assignment by the VISTA program of the United States Government Office of Economic Opportunity. On October 31, 1968 the New York State Board of Law Examiners announced that petitioner had passed the New York bar examination. On November 31, 1968 petitioner completed and filed his application for admission to practice law in New York (Appendix, page 11a). In his application for admission to practice law in New York, the following questions and answers appear (Appendix, pages 17a-18a):

> "19. Do you believe in the principles underlying the form of government of the United States?
>
> "Yes.
>
> "20. State whether you have been or are a member of any party or organization engaged in propagating or pledged to effect changes in the form of government provided for by the United States Constitution, or in advancing the interests of a foreign country? If so, state the facts fully.
>
> "No.
>
> "21. Can you conscientiously, and do you, affirm, without any mental reservation, that you have been and are loyal to the government of the United States?
>
> "Yes."

Petitioner also answered the following question (Appendix, page 19a):

> "26. State in a general way your plans for the future in the legal profession if you are approved by the Character Committee and admitted by the Court.
>
> "My immediate plans revolve around the area of poverty law which has been exposed to me through VISTA. I would like to work for legal aid or apply for a Smith Fellowship when my VISTA period expires. Beyond this, I have plans to open my own office as a general practitioner and eventually specialize as a criminal lawyer."

On December 2, 1968 petitioner was admitted to the practice of law in New York. Petitioner returned to Columbus, Ohio, and on December 23, 1968 he completed his application for admission to the Ohio bar examination. In his Applicant's Questionnaire (which is usually filed within 120 days after entering law school) the following questions and answers appear (Appendix, pages 24a-25a):

"12. State whether you have been, or presently are:

"(a) a party to any action or legal proceeding including civil, criminal, quasi-criminal, administrative, or any proceeding in the juvenile court.

"Yes—minor traffic offenses.

"(b) Addicted to the use of narcotics, drugs, or intoxicating liquors.

"No.

"(c) Treated for mental illness.

"No.

"(d) Adjudged incompetent by any court.

"No.

"(e) Committed to or confined in any mental or correctional institution.

"No.

"(f) Adjudicated a bankrupt or placed under a receivership.

"No.

"(g) A member of any organization which advocates the overthrow of the government of the United States by force.

"I will not answer this question under my right as guaranteed by the Fifth Amendment of the U. S. Constitution.

"If your answer to any section of the above question is 'Yes,' set forth the facts in detail, designating by letter the portion of the question to which you refer. Include names of cases and dates of all court proceedings, the disposition made thereof, and the name and address of the court in which the record may be found.

"(a) Conviction, upon a plea of guilty, to a charge of speeding.

"(1) In Municipal Court of Rochester, New York, in October, 1961; sentence was suspended.

"(2) In Justice Court of Batavia, New York, 10-13-64—$10.00 fine.

"13. List the names and addresses of all clubs, societies or organizations of which you are or have been a member.

"(a) I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

In his Applicant's Questionnaire for Bar Examination the following question and answer appears (Appendix, page 30a):

"7. List the names and addresses of all clubs, societies or organizations of which you are or have been a member since registering as a law student.

"I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

The questionnaires were duly forwarded by the Clerk of the Supreme Court of Ohio to the bar admission committee of the Columbus Bar Association. On January 23, 1963 petitioner was interviewed by J. Richard Lumpe and Richard Snodgrass, members of the committee. Their reports appear in the Appendix at pages 32a to 35a.

There is nothing adverse to petitioner to be found in either committee member's report except petitioner's refusal to answer the questions on the questionnaires. Mr. Snodgrass noted:

"I found Mr. Stolar to be honest and forthright. His statements evidenced also a certain commitment to principle for its own sake, an unusually great amount of social awareness, and a degree of self-interest not reprehensible. On the basis of the interview and the background actually revealed in Mr. Stolar's applications I have no reluctance to recommend Mr. Stolar for admission to the practice of law.

"My recommendation is qualified, however, in that I can recommend him only if the committee as a whole is willing to recommend his admission despite his refusal, with full notice of the possible consequences, to

answer questions on the applications touching on his present and former organizational membership.

"Two questions on each application Mr. Stolar, relying on the Fifth Amendment, refused to answer on the ground that such questions go to matters not properly within the subject matter of such an inquiry. He rejected the argument that the Court, an agency of the State and of which he is to be a servant, has a right to inquire into such matters and to receive his full cooperation in doing so. He did state in response to direct questions that he is not now and has never been a member of the Communist Party, of any socialist party, or of the Students for a Democratic Society, and stated that he has signed the standard U. S. Army preinduction security oath, which has reference to the 'Attorney General's list.' "

Mr. Lumpe reported:

"Mr. Snodgrass and myself advised Mr. Stolar of the consequences of his refusal to answer these questions. After receiving this advice and stating he understood the matter, Mr. Stolar still refused to answer the above listed questions. His reason for refusing to answer was based on the premise that the questions were not pertinent to his moral and character fitness as an applicant. His principles and personal convictions would not allow him to answer these questions.

"Based on my investigation I find Mr. Stolar to be a very learned person and a very pleasant person, but I cannot recommend him for admission due to the fact he places himself above the rules of the Court and feels that he cannot abide by them when they run afoul of his personal convictions. I also cannot recommend him for admission since I was unable to fully complete the necessary investigation into his moral and character fitness due to his refusal to allow a complete investigation to be made."

On February 7, 1969, the chairman of the admissions committee wrote to petitioner (Appendix, page 36a). The chairman concluded:

"The Admissions Committee of the Columbus Bar Association has considered your application for admission to the Ohio bar examination. The Committee

has voted to deny your application unless by February 21, 1969, you answer questions 12(g) and 13 of applicant's questionnaire for admission to bar examination.

"Upon receipt of the answers to these questions the investigating committee will further consider your application."

On February 10, 1969, petitioner, in a letter to the chairman of the admissions committee, reiterated his refusal to answer the questions (Appendix, page 37a), concluding:

"It is my belief that such questions are not within the proper scope of review for a bar association committee on admissions and, in any event, the answers to such questions are protected by the First and Fifth Amendments of The United States Constitution."

On February 18, 1969, the chairman of the admissions committee wrote to the Clerk of the Supreme Court (Appendix, page 39a). The chairman said:

"In view of Mr. Stolar's refusal to answer the questions above referred to, the admissions committee of the Columbus Bar Association recommends that Mr. Stolar's application for admission to the Ohio bar examination be denied."

On February 18, 1969, petitioner wrote to the Clerk of the Supreme Court requesting him to bring the Association's recommendation to the attention of the Supreme Court for final action. As part of its standard procedure where an applicant has been admitted in another state, the Supreme Court of Ohio had obtained a copy of petitioner's New York application, and this was considered together with all other papers and correspondence submitted by petitioner and the admissions committee. At its regular Conference on Thursday, February 27, 1969, the Supreme Court of Ohio voted to deny petitioner admission to the March, 1969 bar examination and the following journal entry was made (Appendix, page 1a):

"The Court coming now to consider the application of Martin Robert Stolar, the recommendation of the

Committee on Admissions of the Columbus Bar Association and the memorandum and materials submitted by counsel for Mr. Stolar, finds that oral argument in this matter is not necessary, and that the recommendation of the Committee on Admissions should be approved.

"It is, therefore, ordered that the application of Martin Robert Stolar to be admitted to the March, 1969 Ohio bar examination be denied."

On March 31, 1969, petitioner filed a petition for a writ of certiorari in this Court. Petitioner has not applied to take the July, 1969 bar examination.

REASONS FOR DENYING THE PETITION FOR A WRIT OF CERTIORARI

The people of Ohio have a substantial and continuing interest in the quality and caliber of the young men and women who are admitted to the practice of law in Ohio. The people of Ohio, by constitutional mandate, have placed the sole responsibility for insuring the caliber and quality of the young men and women admitted to the practice of law on the Supreme Court of Ohio.

As our society becomes more complex and our legal relationships more intricate, this responsibility of the Supreme Court of Ohio increases in importance. No other profession licensed by the State has as great a duty to the people of Ohio whom it serves, is more often involved in fiduciary relationships or required to rise above human frailties, personal prejudices, desires and convictions than the lawyers who have been admitted to practice before the Supreme Court of Ohio. As was so ably stated by the late Mr. Justice Frankfurter in his concurring opinion in *Schware v. Board of Bar Examiners,* 353 U.S. 232 at 247 (1957):

"* * * [A]ll the interests of man that are comprised under the constitutional guarantees given to 'life, liberty and property' are in the professional keeping

> of lawyers. It is a fair characterization of the lawyer's responsibility in our society that he stands 'as a shield,' to quote Devlin, J., in defense of right and to ward off wrong. From a profession charged with such responsibilities there must be exacted those qualities of truth-speaking, of a high sense of honor, of granite discretion, of the strictest observance of fiduciary responsibility, that have, throughout the centuries, been compendiously described as 'moral character.' "

The power, indeed, the duty to require high standards not only of professional skill but also fitness of character and the concommitant power and duty to exclude any applicant who lacks such qualifications have been previously recognized by this Court. *Schware v. Board of Bar Examiners, supra,* at page 239; *Konigsberg v. State Bar of California,* 366 U.S. 36, at pages 40 to 41 (1961); *Spevack v. Klein,* 385 U.S., page 511 at 523 (1967) (dissenting opinion by Harlan, J.); *Barsky v. Board of Regents,* 347 U.S. 442 (1954).

The Supreme Court of Ohio, acting through the admissions committees of the local bar associations, must have some means reasonably to determine which applicants possess the necessary qualifications to be admitted to the practice of law. Questionnaires constitute one of the means of obtaining information on which to base such determinations. In addition, interviews by the admissions committees substantiate and supplement the questionnaires in making the necessary determinations. With respect to the interview phase, this Court has held as follows:

> "* * * This interrogation may well be of decisive importance for, as all familiar with bar admission proceedings know, exclusion of unworthy candidates frequently depends upon the thoroughness of the Committee's questioning revealing as it may infirmities in an otherwise satisfactory showing on his part. This is especially so where a bar committee, as is not infrequently the case, has no means of conducting an independent investigation of its own into an applicant's

qualifications." (*Konigsberg v. State Bar of California, supra,* at p. 42.)

The interview and questionnaire in the instant case are especially important because petitioner is not a resident of Ohio and his character references are not known by members of the local admissions committee. At the time of his application, petitioner had been in Ohio less than six months. It would have been a practical impossibility for the admissions committee of the Columbus Bar Association in Columbus, Ohio, to conduct an investigation in the State of New York. The Admissions Committee of the Columbus Bar Association is made up of practicing attorneys who contribute their time and efforts to this very vital and important cause. These members take valuable hours of time out of their work days with interviews arranged at the convenience of the applicant whose law school schedule and other problems are understood and taken into consideration by the committee, in order to conduct the interviews as required by the Supreme Court of Ohio. Petitioner declined to furnish information which the committee needed in order to make its determination as to his qualifications. Since the committee was unable to complete the necessary investigation, it had no choice but to refuse to recommend him for admission.

It is not contended that petitioner should be required to disclose any information which might tend to incriminate him. Petitioner has the right to refuse to answer any question on that basis. Petitioner's right to remain silent, however, does not excuse him from satisfying the required standards to be admitted to the practice of law in Ohio. If an applicant can thwart the investigation by his refusal to answer relevant questions, the Supreme Court of Ohio cannot properly determine his qualifications.

> " * * * The Court has repeatedly recognized that it is permissible to deny a status or authority to a

> claimant of the privilege against self-incrimination if his claim has prevented full assessment of his qualifications for the status or authority. Under this rule, the applicant may not both decline to disclose information necessary to demonstrate his fitness, and yet demand that he receive the benefits of the status. He may not by his interjection of the privilege either diminish his obligation to establish his qualifications, or escape the consequences exacted by the State for a failure to satisfy that obligation." (*Spevack* v. *Klein, supra,* at p. 526) (dissenting opinion by Harlan, J.)

To the same effect see also: *Konigsberg* v. *State Bar of California, supra; In Re Anastaplo,* 366 U. S. 82 (1961); *Orloff* v. *Welloughby,* 345 U. S. 83 (1963).

The obstruction to the investigation of the committee in the instant case is more significant than that in the *Konigsberg* or *Anastaplo* cases, *supra.* There, the applicants refused to answer questions concerning membership in the Communist Party. Here, petitioner has also refused to name any clubs, societies or organizations of which he is or had been a member. Because of petitioner's refusal to answer these questions the committee was "unable to complete the necessary investigation into his moral and character fitness." (Appendix, p. 33a). As this Court recognized in *Konigsberg v. State Bar of California, supra,* at pp. 46-47, the requested information may provide a valuable insight into the applicant's character and open new areas of investigation. By the same token, the answers might show little need to proceed further with the investigation. The crucial point is that since petitioner refused to answer either of the questions, the admissions committee could not make a final determination concerning his character and fitness for admission to the practice of law.

The two questions at issue in this case are not attempts by the Supreme Court of Ohio to delve into or assess the political beliefs or philosophies of the petitioner. The pur-

pose of the questions is to insure, to the extent possible, that those persons admitted to practice before the Supreme Court of Ohio will satisfy the high standard of conduct toward courts, clients and the public which is required of a practicing lawyer. In addition, and especially important in the case of any nonresident applicant, knowledge of such organizations and associations might well direct the committee's attention to persons familiar to them who have known the applicant over a period of time to whom the committee could turn for further information concerning whether petitioner meets the required standards.

If, for example, petitioner's memberships in associations and clubs evidenced or indicated a long-term and continuing disrespect or disregard for law, certainly this would be germane in determining whether additional investigation would be required. By the same token, if the list of associations and clubs raises no question concerning petitioner's meeting the minimum standards, this also assists the committee in making its determination. Furthermore, if petitioner had belonged to an organization which espoused illegal aims, knowledge of such membership would enable the committee to investigate further to determine whether petitioner did, at the time of such membership, also espouse such illegal aims or whether he now espouses such illegal aims.

If petitioner had answered the questions and was denied admission to the Ohio bar examination because of his membership in a given organization, regardless of whether such organization had illegal aims and regardless of whether petitioner espoused then or now such illegal aims, then the case at bar might have some substance. But, none of the issues set forth on page two of the petition for a writ of certiorari are involved in this case. They may be relevant in other cases, but not here. The only

issue presented in this case is whether or not a state may properly deny admission to the practice of law to an applicant who, by his refusal to answer material questions, obstructs the admissions committee in its investigation concerning his character. This issue was fully considered and properly decided by this Court in the *Konigsberg* and *Anastaplo* cases, *supra*.

This case has none of the elements of harassment or personal antipathy on the part of committee members toward the applicant which concerned the dissenting justices in those cases. Indeed, in the instant case, the interviewers found petitioner "honest and forthright", "very learned" and "very pleasant" and expressed regret that he refused to assist the committee in completing its investigation (Appendix, pp. 32a-35a).

Petitioner based his refusal to answer these questions on his privilege against self-incrimination. He provided similar information, however, in his application for admission to the New York Bar. In addition, petitioner told the interviewers that he was not and had never been a member of the Communist Party, any socialist party or of the Students for a Democratic Society, and that he has signed the standard U. S. Army pre-induction security oath, which has reference to the "Attorney General's list." If, in fact, the information disclosed would tend to incriminate him, petitioner waived his right to claim the privilege by completing the New York application and by voluntarily furnishing such information to the committee. *Brown* v. *Walker*, 161 U. S. 591 (1896); *Rogers* v. *United States*, 340 U. S. 367 (1951). Even if petitioner's answers on the New York application and his oral statement to the interviewers did not amount to a waiver, they cast doubt on his good faith in continuing to claim the privilege as to the questionnaire.

REASONS WHY THIS CASE IS UNLIKE NO. 1079, BAIRD V. STATE BAR OF ARIZONA IN WHICH CERTIORARI HAS BEEN GRANTED

On April 4, 1969, U. S. this Court granted a writ of certiorari in No. 1079, *Baird* v. *State Bar of Arizona*. There are two substantial differences between this case and the *Baird* case: the nature of the questions which the applicant refused to answer and the deprivation caused by the refusal to admit the applicant to the practice of law.

Mrs. Baird answered fully, under oath, the following question: "List all organizations, associations and clubs (other than bar associations) of which you are or have been a member since attaining the age of 16 years." She refused to answer the question: "Are you now or have you ever been a member of the Communist Party or any organization that advocates overthrow of the United States government by force or violence?" She contends that her refusal to answer that question is protected by the First, Fifth and Fourteenth Amendments to the United States Constitution. She further argues that the question is redundant since a truthful answer, which must be presumed, to the previous question concerning organizations, associations and clubs would include the Communist Party or any similar organization. Therefore, it does not appear that her refusal to answer the Communist Party question obstructed the Arizona investigation.

In the instant case petitioner refuses to answer the question concerning membership in organizations, associations and clubs, and this single fact makes a very great difference. Petitioner's refusal to answer this question substantially obstructs the bar association committee in fulfilling its responsibility to evaluate his character, a responsibility made more difficult to fulfill by the fact that he was from

another state and his references were unknown to the committee either personally or by reputation.

As to the nature of the deprivation caused by refusal to admit these applicants to practice, Mrs. Baird suffers a considerable loss. She is a permanent resident of Arizona, and her husband is already admitted to the practice of law in Arizona. She is not admitted to practice in any other state. Petitioner is admitted to practice in New York where he maintains his permanent legal residence (Appendix, page 21a), and he does not seem to be hindered in any way in fulfilling his VISTA assignment or pursuing his chosen profession thereafter.

It is respectfully submitted that the facts herein are sufficiently unlike No. 1079, *Baird v. State Bar of Arizona*, that this case would not be an appropriate companion when this Court undertakes to resolve the issue raised by that case.

CONCLUSION

The Attorney General and the Columbus Bar Association respectfully submit that the Supreme Court of Ohio may properly deny admission to its Bar to any applicant who, by his refusal to answer material questions, obstructs the investigation into his character; and that this issue was fully considered and properly decided by this Court in the *Konigsberg* and *Anastaplo* cases. In addition, petitioner in this case has given the admissions committee and the Supreme Court of Ohio reason to doubt his sincerity in claiming a privilege which he did not claim in New York five weeks earlier and by refusing to answer in written form which he answered, in part, orally.

The petition for a writ of certiorari should be denied.

PAUL W. BROWN,
Attorney General of Ohio
SHELBY V. HUTCHINS,
Chief Counsel
Columbus Bar Association
JACK R. ALTON, *President*
WILLIAM H. SCHNEIDER,
Chairman Admission to the Bar Committee
Attorneys for Respondent.

APPENDIX A
JOURNAL ENTRY OF THE SUPREME COURT OF OHIO

The Court coming now to consider the application of Martin Robert Stolar, the recommendation of the Committee on Admissions of the Columbus Bar Association and the memorandum and material submitted by counsel for Mr. Stolar, finds that oral argument in this matter is not necessary, and that the recommendation of the Committee on Admissions should be approved.

It is, therefore, ordered that the application of Martin Robert Stolar to be admitted to the March, 1969, Ohio Bar Examination be denied.

APPENDIX B
RULE XVII
ADMISSION TO THE PRACTICE OF LAW

Section 1. General Requirement.

Except as provided in Section 8 of this rule, to be admitted to the practice of law in Ohio, a person must

(A) be a citizen of the United States;

(B) be 21 years of age;

(C) have earned, prior to admission to law school, a bachelor's degree approved by the Court or earned in a college or university approved by one of the following accrediting associations: Middle States Association of Colleges and Secondary Schools, New England Association of Colleges and Secondary Schools, North Central Association of Colleges and Secondary Schools, Northwest Association of Secondary and Higher Schools, Southern Association of Colleges and Secondary Schools, and the Western College Association;

(D) have a degree from a law school which is approved by the American Bar Association and if located in Ohio, is also a member of the League of Ohio Law Schools;

(E) be approved as to character under procedures provided in this rule;

(F) have passed an examination conducted by the Ohio Board of Bar Examiners; and

(G) have taken the oath of office.

Section 2. Preliminary Registration Requirements.

(A) Every person who intends to take the Ohio bar examination shall file with the Clerk of this Court, within 120 days after entering law school, an application for registration as a candidate for admission to the practice of law

on a form prescribed and furnished by the Court. The application shall be accompanied by

(a) a certificate of the dean of the law school showing that the applicant has begun the study of law;

(b) a properly authenticated transcript of college credits showing that prior to admission to law school the applicant has earned a bachelor's degree;

(c) a character questionnaire in duplicate prescribed and furnished by the Court;

(d) a fingerprint identification on the form used by the Federal Bureau of Investigation; and

(e) a registration fee of twenty dollars. (Effective Sept. 1, 1963.)

Section 3. Character Investigation.

(A) The president of each local bar association shall appoint a Committee on Applicants for Admission to the Practice of Law consisting of three or more members each of whom shall serve without compensation for a term of three years. One-third of the committee member's terms shall expire each year. These committees shall be responsible for investigating the character, reputation and moral qualifications of applicants and shall report their findings and recommendations to the Clerk of this Court.

(B) If the applicant is a resident of Ohio, one copy of the questionnaire required by Section 2 shall be forwarded by the Clerk to the Committee on Applicants for Admission to the Practice of Law in the county where the applicant claims permanent residence.

(C) In conducting the investigation, the local committee shall utilize the applicant's character questionnaire and shall also obtain answers to questionnaires from three citizens in the county, none of whom is related to the applicant. Two members of the committee shall personally interview

the applicant and record the results on a form prescribed by the Court.

(D) This Court shall determine from the report of the local bar association committee and from other available information whether the applicant shall be accepted for registration. The Clerk shall notify each applicant concerning the acceptance or rejection of the application.

(E) If the applicant is a nonresident, the Clerk shall take such steps as are feasible to provide for character investigations as nearly as possible in conformity to the above procedures.

Section 4. Application for Examination.

(A) Applications to take the examination shall be filed with the Clerk of this Court at least 90 days before the time fixed for the examination. Each application shall be accompanied by

(a) the applicant's affidavit that he has read and studied the Canons of Professional Ethics adopted by the American Bar Association and approved by this Court;

(b) a certificate from the law school that the applicant has or will have received a law degree, is a person of good moral character, has sufficient knowledge and ability to discharge the duties of an attorney at law and has received instruction in legal ethics;

(c) a questionnaire in triplicate furnished by the Court updating the information on character and moral fitness furnished at the time of registration; and

(d) a fee of forty dollars refundable only in the event of disapproval. (Effective September 1, 1963.)

(B) This Court shall pass on the application and the Clerk shall notify the applicant of the Court's approval or disapproval.

Section 5. Bar Examination.

(A) The bar examination shall be prepared and conducted under the direction of the Board of Bar Examiners appointed by the Court and consisting of ten members of the bar of Ohio. The members of the board shall serve terms of five years and shall be so appointed that the terms of two examiners will expire each year.

(B) Two examinations shall be held each year in Columbus. One shall begin on the first Tuesday in March and the other on the last Tuesday in July. Each examination shall continue for three days and shall be divided into six half-day sessions. Each examiner shall prepare and submit five questions, of which the applicants shall answer four. The subject matter of the questions shall not be designated or labeled.

(C) The examination shall consist of the following:

Subjects	Number of Questions
Business Associations (including Agency, Partnership and Corporations)	8
Constitutional Law	5
Contracts	5
Criminal Law	2
Equity, Trusts and Wills	8
Evidence	5
Negotiable Instruments	2
Property (Real and Personal)	5
Pleading and Practice	5
Torts	5

(D) No applicant shall be admitted to the practice of law unless a grade of 75 per cent is received on the examination. The grades as determined by the Board of Bar Examiners shall be final.

(E) The Board of Bar Examiners may, subject to the

approval of the Court, promulgate additional rules to aid in the conduct of the examinations.

Section 6. Re-Examination.

(A) Applicants for re-examination may apply for admission to the March examination only. No applicant will be admitted to more than three examinations.

(B) Applications must be filed with the Clerk of this Court at least 90 days before the time fixed for examination.

(C) Before being admitted to the examination, the applicant must again be approved by the local Committee on Admissions to the Practice of Law.

(D) Each application for re-examination, submitted on a form prescribed by the Court, must be accompanied by a fee of sixty dollars refundable only in the event the application is disapproved. The fee for a second re-examination is seventy dollars.

Section 7. Induction to the Bar.

(A) Each successful applicant and each person admitted under Section 8 must sign a roll designating his residence and take the following oath of office:

I Do Solemnly Swear:

I will support the Constitution of the United States and the Constitution of the State of Ohio;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, or any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client and I will accept no compensation in connection with his business except from him or with his knowledge and approval;

I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed or delay any man's cause for lucre or malice. So HELP ME GOD.

(Clerk's note: This form of oath was adopted January 25, 1910. It is the form recommended by the American Bar Association.)

(B) A fee of ten dollars shall be charged for each certificate of admission. A charge of one dollar shall be made for a duplicate certificate of admission.

Section 8. Admission Without Examination.

(A) An applicant for admission to the practice of law in Ohio without examination must file the following with the Clerk of this Court:

(a) a certificate of admission as an attorney at law in the highest court of another state or in the District of Columbia;

(b) a certificate, signed by a judge of a court of record of the state from which he seeks admission, indicating that the applicant is of good moral character and is in good standing in the bar of that state;

(c) certificates evidencing education equal to the requirements prescribed by this Court for admission to the practice of law in Ohio in effect at the time the applicant was admitted in such other state;

(d) evidence showing that applicant has, for at least five years, engaged in legal work of such character and

description as shall satisfy this Court that the applicant possesses the legal skills deemed adequate for admission to the practice of law in Ohio without examination;

(e) a certificate by an attorney at law of this state that the applicant is of good moral character and recommending him for admission to the practice of law in Ohio;

(f) applicant's affidavit that he is a citizen of the United States and that he is a resident of this state or intends to come into the state for the purpose of making it his permanent residence (if the applicant is not a resident of Ohio, his certificate shall not be issued until he has established residence in this state);

(g) an application and questionnaire, in duplicate, for use by the National Conference of Bar Examiners in making a character investigation;

(h) a fingerprint identification card on the form used by the Federal Bureau of Investigation;

(i) a nonrefundable fee of one hundred and fifty dollars.

(B) This Court shall pass on the application, and the Clerk shall notify the applicant of the Court's approval or disapproval.

APPENDIX C

Art. IV, Sec. 2(B)(1)

(B) (1) The supreme court shall have original jurisdiction in the following:

(a) Quo warranto;

(b) Mandamus;

(c) Habeas corpus;

(d) Prohibition;

(e) Procedendo;

(f) In any cause on review as may be necessary to its complete determination;

(g) Admission to the practice of law, the discipline of persons so admitted, and all other matters relating to the practice of law.

APPENDIX D
Art. IV, Sec. 5(B)

(B) The supreme court shall prescribe rules governing practice and procedure in all courts of the state, which rules shall not abridge, enlarge, or modify any substantive right. Proposed rules shall be filed by the court, not later than the fifteenth day of January, with the clerk of each house of the general assembly during a regular session thereof, and amendments to any such proposed rules may be so filed not later than the first day of May in that session. Such rules shall take effect on the following first day of July, unless prior to such day the general assembly adopts a concurrrent resolution of disapproval. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

Courts may adopt additional rules concerning local practice in their respective courts which are not inconsistent with the rules promulgated by the supreme court. The supreme court may make rules to require uniform record keeping for all courts of the state, and shall make rules governing the admission to the practice of law and discipline of persons so admitted.

APPENDIX E
QUESTIONNAIRE APPLICATION FOR ADMISSION TO PRACTICE LAW IN NEW YORK
APPELLATE DIVISION: SUPREME COURT
FOURTH JUDICIAL DEPARTMENT
State of New York

YOU MUST ANSWER ALL QUESTIONS FULLY.

1. Please state:

(a) your full name, and if name ever was changed, give former name, date and reason therefor.

Martin Robert Stolar

(b) age, and date of birth.

Born April 2, 1943. Twenty-five years old as of this date.

(c) place of birth.

Syracuse, New York

(d) now living with *Sigmund and Jessie Stolar*
Relationship? *Father and Mother*
at No. *18 College Complex Circle*
in the *City* of *Rochester* N.Y. *14623*
Zip Code

(e) length of actual residence in the State of New York, prior to the date of this application.

From birth until August 28, 1965.

(f) whether married or single.

Single.

If married, when, where and to whom.

(g) Has any marriage to which you were a party been terminated by divorce or annulment, or affected by a separation? If so, state fully in answer to question 16 all pertinent, material facts.

Never been married.

(h) Are you a citizen of the United States?

Yes

(i) If naturalized, state when and where.

(j) If citizenship is claimed through the naturalization of a parent, set forth the facts.

2. If you have not always resided at the address stated at 1(d) state when and where you resided elsewhere.

4/43-10/46 425 Glenwood Ave., Syracuse, N.Y.
10/46- 6/65 37 Highland Parkway, Rochester, N.Y.
6/65- 9/65 365 W. 25th St., New York, N.Y.
9/65- 6/66 33 Washington Sq. W., New York, N.Y.
6/66- 9/66 118 E. 19th St., New York, N.Y.
9/66- 8/68 55 E. 10th St., New York, N.Y.
9/68-present 999 Caldwell Pl. Apt. 1409, Columbus, Ohio 43203

3. State the name, residence, birthplace and occupation of your parents, if living. If either parent be dead, so state, and give name, last place of residence and occupation.

Father: Sigmond Stolar Age 57 Occupation: Salesman
18 College Complex Cir. Rochester, N.Y. 14623 Birthplace: New York, N.Y.

Mother: Jessie Stolar Age 52 Occupation: Bookkeeper
(same as father) Birthplace: Cranberry, N.J.

4. State all the schools below college grade which you have attended and between what dates. If you are a high school graduate, so state, giving name of school, date of graduation, and name of principal at graduation.

Elementary School: School #24, Rochester, N.Y. 9/48-6/56

High School: Monroe High School, Rochester, N.Y. 9/56-6/61

Principal at Graduation: Mary A. Sheehan.

5. State whether you attended college? If so, state what college and when, specifying dates. What academic degree, if any, have you received? If you did not receive a degree, state the reasons. State what sessions you attended, whether full or part time, day, evening, extension or summer attendance.

   I attended the University of Rochester from 9/61 until 6/65, when I graduated with an A.B. I was a full time day student and majored in political science.

6. State whether you attended a law school? If so, state what school and when, specifying dates. What degrees in law, if any, have you received? If you did not receive a degree, state the reason. State what sessions you attended, whether full or part time, day, evening, extension or summer attendance.

   I attended, as a full time day student, New York University School of Law from 9/65-6/68, when I graduated with a J.D. Degree.

7. State whether you have ever been dropped, suspended, or expelled from any school, college, law school, or other similar institution? *No.*
   If your answer be yes, state the school, the cause and the circumstances.

8. State how many times you have taken the New York State Bar Examinations, and date of your final examination?

   I have taken the Bar Examination only once: July 18 and July 19, 1968.

9. State whether you have been employed by another in

any occupation, business, or profesison other than the law? If so,

Yes

(a) Give name and address of each employer, the business, the position you occupied and the month and year of the beginning and ending of each employment.

(1) Jewish Young Men's & Women's Ass'n. Summer Camp—Kitchen Asst. Summer 1960

(2) Diamond Fish Fry—Retail Fish Sales—Counter clerk—4/61-12/61

(3) JYM&WA—Coat checker—9/61-12/61

(4) Rochester Coca-Cola Bottling Corp.—laborer Summer 1961

(5) Driver's Asst. Summer 1962

(6) Cilman & Cilman—Retail Meat Sales—Bill Collection and Delivery—Fall, 1962

(7) Rochester Cafeteria Services, Inc.—Retail Prepared Food Sales—worked as counter and grillman 9/62-6/65

(8) New York University—Desk Clerk—Summer, 1966

(9) —Language Laboratory Ass't. Summer and Fall, 1966

(10) Tennis Club of Rochester—Snack Bar Manager—Summer, 1967

(b) Were you so employed at the same time that you were attending school, college or law school?
The jobs with the following numbers were held while attending college: (3), (6), (7). During law school job number (9) was held.

10. State whether you have been discharged by any employer? If so, state the cause and the circumstances.

I have never been discharged by any employer.

11. State whether you have been engaged on your own account in any occupation, business, or profession other than the law? If so,

No

(a) Give in detail the nature and location thereof and the month and year of the beginning and ending of your engagement.

(b) if a partnership, give the names and addresses of all partners.

(c) state whether or not you were so engaged at the time that you were attending school, college or law school.

12. State the law offices, including the law department of any corporation, with which you have been connected, with address of each, nature of your connection and services, and the month and year of the beginning and ending thereof.

(1) Edward S. Regan Esq.
4806 White Plains Rd. — *I was clerk and typist*
Bronx, N.Y. — *from 6/65-9/65*

(2) Ballon, Stoll and Shyman, Esqs.
1450 Broadway — *I was law clerk from*
New York, N.Y. — *6/66-9/66*

(3) Multer, Nova & Seymour
120 Broadway — *I was law clerk from*
New York, N.Y. — *7/67-9/67*

13. State whether you have ever applied for admission to practice as an attorney or counselor in any court in any state or country other than the State of New York? If so, state specifically the place and disposition made of the application. If your application was granted, state whether you were admitted, giving the name of the court by which admitted, the date and place of such

admission, the period of practice, and the office addresses where you have practiced, and attorneys or firms with whom associated.

No application ever made.

14. State whether you have been reprimanded, censured, disciplined, suspended or disbarred as an attorney or counselor at law, solicitor or barrister, and have any charges ever been preferred against you, and if so, with what result?

Never

15. State whether you have ever previously applied for admission to the bar of the State of New York? If so, where, when, and with what result?

Never previously applied.

16. State whether you have been

(a) a party to, or otherwise involved in, any legal proceeding, either civil or criminal? If so, state the date, place, court, and judgment rendered.

I have never been such a party.

(b) called as a witness or testified in any legal proceeding. If so, state facts fully.

I have never been called as a witness.

(c) charged with a crime or arrested. If so, state facts fully.

I have never been charged with a crime.

(d) summoned for a violation of any law, corporate ordinance, or regulation of any department of a municipal corporation. If so, state facts fully.

I received a ticket for speeding on the N.Y. Thruway on 10/11/64. The Justice Court in Batavia, N.Y. convicted me upon a plea of guilty, on 10/13/64 and disposed of the case with a $10.00 fine. I also was convicted of a traffic offense (speeding) in the City of Rochester in the Fall of 1966 and

sentence was suspended upon a guilty plea. The exact records here are lost to me.

17. State whether there are any favorable or unfavorable incidents in your life, whether at school, college, law school, business, or otherwise, not called for by the questions answered herein or disclosed in your answer thereto? If so, state the facts fully.

I can remember no unfavorable incidents. Favorable incidents include a number of scholastic awards throughout my schooling including my election as Administrative Director of the NYU Law School Moot Court Board. While in Law School I was awarded a Resident Fellowship by N.Y.U. and served as a graduate advisor in an Undergraduate Dormitory. One final favorable incident was my acceptance into and service in VISTA—a Volunteer In Service To America as part of the overall "War on Poverty" from the Office of Economic Opportunity.

18. State whether you have participated in activities of a public or patriotic nature or in philanthropic, religious, or social services? If so, state the facts fully.

I was a Cub Scout and Boy Scout and Explorer Scout during elementary and high school.

I also participated fully in my Temple's religious education programs until I went to college.

In addition, my time spent as a VISTA is a service of the above described nature.

19. Do you believe in the principles underlying the form of government of the United States?

Yes.

20. State whether you have been or are a member of any party or organization engaged in propagating or pledged to effect changes in the form of government provided for by the United States Constitution, or in

advancing the interests of a foreign country? If so, state the facts fully.

No.

21. Can you conscientiously, and do you, affirm, without any mental reservation, that you have been and are loyal to the government of the United States?

Yes.

22. Give the names and addresses of persons, other than those who have furnished character affidavits, to whom you refer as to your character, and state how long you have known each.

(1) Robert A. Quigley, 79 Greenwich Ave., New York, N.Y. 11 years

(2) Mr. and Mrs. Jonathan Alpert, 2724 Brownshore Rd., Louisville, Ky. 8 years

(3) Mr. and Mrs. Harry Malley, 83 Highland Pkwy. Rochester, N.Y. 20 years

(4) Mr. Sam Phillips, 151 Alaimo Drive, Rochester, N.Y. 25 years

23. State whether you have had military service? (If so, give date of entry into and discharge from service and state whether you were honorably discharged therefrom.)

I have had no military service.

24. (a) Have you studied the Canons of Ethics adopted by the American Bar Association?

Yes.

(b) Do you unconditionally subscribe to the same?

Yes.

(c) Will you conscientiously endeavor to conform your professional conduct to them?

Yes.

25. State fully the various reasons for your desire to adopt the practice of the law as a profession.

Early in my college years, when I first began to think of a life's work, I sought out the law chiefly because it

was not a static field. As I matured I saw that the law not only changed as it developed but it was capable of producing social change.

In addition, the practice of law would give me a chance to become knowledgable [sic] *in many other fields—a kind of Renaissance-man profession, I had, and still have, no desire to channel all my life's work into one specialty and prefer the flexibility which the legal profession offers.*

26. State in a general way your plans for the future in the legal profession if you are approved by the Character Committee and admitted by the Court.

My immediate plans revolve around the area of poverty law which has been exposed to me through VISTA. I would like to work for Legal Aid or apply for a Smith Fellowship when my VISTA period expires.

Beyond this, I have plans to open my own office as a general practitioner and eventually specialize as a criminal lawyer.

Dated this *19th* day of *November*, 1968.

Signature of the Applicant MARTIN ROBERT STOLAR

State of New York:)
County of *Monroe*)ss.
City of *Rochester*)

Martin R. Stolar, being duly sworn, deposes and says: I am the applicant herein and have read the foregoing questions and have fully, truthfully and accurately answered the same. The foregoing answers and statements are true of my own knowledge, except as stated to be made upon information and belief, and as to such answers and statements I believe them to be true.

Signature of Applicant MARTIN R. STOLAR

Sworn to before me this *13* day
of *November*, 1968
/s/ [signature illegible]
Notary Public or Comm. of Deeds.

APPENDIX F
APPLICANT'S QUESTIONNAIRE
Before the Supreme Court of Ohio
In the Matter of the Application of
Martin Robert Stolar
For Registration as a Law Student

EXPLANATION AND INSTRUCTIONS: This questionnaire will provide The Supreme Court of Ohio and its Committees on Admissions to the Bar with information needed to determine your qualifications for registration as a law student. The information obtained may be used as a guide to further investigation. Answer all questions fully, truthfully and accurately.

Two completed typewritten (except for Item 16) copies of this questionnaire are to be submitted to the Clerk of The Supreme Court within 120 days after entering law school. If the space for any answer is inadequate, complete your answer on a separate attached sheet specifying the number of the question. Be sure to affix your signature to each additional sheet.

Only applications verified by the affidavit at the end of the questionnaire will be considered.

1. (a) Your full name *Martin* *Robert* *Stolar*
   First Middle Last
   (b) Have you ever used or been known by any other name? *No*
   If so, state in full each name used or by which you have been known, and briefly give the reasons therefor.
   (c) Has your name ever legally been changed? *No*
   If so, attached a certified copy of the order.
2. (a) Date of birth *April 2, 1943*
   (b) Place of birth *Syracuse, New York*
   (c) If you were born in a foreign country, state what

age you came to the United States.

(d) If you claim citizenship other than by birth in the United States, attach a certified copy of certificate of naturalization or other documentary evidence supporting your claim.

3. (a) Legal residence (permanent) address *18 College Complex, Rochester, N.Y.*

(b) Current residence address *Apt. 1409 999 Caldwell Pl., Columbus, Ohio*

(c) List every home address you have had since you were 14 years of age, giving the exact address of each, together with the month and year of the beginning and ending of each residence. (Exclude temporary addresses, such as those for summer vacation and during military service.)

Period	Street and Number	City and State	With Whom
Age 14-22 4/57 - 10/65	*37 Highland Parkway*	*Rochester, N.Y.*	*Parents*
Age 22-25 10/65 - 8/68	*18 College Complex Cir.*	*Rochester, N.Y.*	*Parents*

(d) Present business address, if any.....

4. (a) Are you married or single? *Single*

(b) Have you ever been married? *No*

(c) If you are married, state the date of marriage and wife's maiden name or husband's name.

(d) Have you ever been divorced?..... If so, give title and number of case, name of court granting decree, date of decree, by whom and on what grounds divorce was obtained.

5. (a) Father's name *Sigmund Stolar* Present residence *18 College Complex, Roch. N.Y.*

Mother's name *Jessie Stolar* Present residence *(same)*

Birthplace of father *New York City*

Birthplace of mother *Cranberry, New Jersey*

Past and present occupations or professions. (Be specific.)

Father *Salesman for West Disinfecting Company, Business Director for JYM&WA in Rochester, Salesman for PAECO, Inc. (present)*

Mother *Bookkeeper for Serv-Rite, Inc. in Rochester (present)*

(b) Give a complete list of your brothers and sisters, including their present addresses and occupations.

Name	Address	Occupation
Michael Stolar	*184 College Complex, Rochester*	*Electrician*
Jeffrey Stolar	*284 Colony Manor Dr., Rochester*	*Salesman*

6. (a) List all junior and senior high schools which you have attended.

Name and Location of School	Period of Attendance
Monroe High School Rochester	From *Sept 1956* to June *1961*

(b) List all colleges and universities which you have attended.

Name and Location	Day, Evening, Extension or Summer Attendance	Period of Attendance	Degrees and Date Received
University of Rochester	*Day*	From Sept *1961* to June *1965*	*A.B. June, '65*

(c) State the name of the law school to which you have been admitted or where you are currently enrolled. *New York University School of Law*

7. Have you ever been placed on probation, suspended, expelled or requested to terminate your enrollment by any high school, college, university, law school, or other similar institution? *No* If your answer is "Yes," give the name and address of the institution, the date and full particulars.

8. (a) Have you ever served in the armed forces of the United States? *No*

(b) Have you ever been a defendant in any courts-martial? *No*

(c) If your answer to (b) is "Yes," give the date, the nature of the charge, the facts pertaining to the case and the disposition thereof.

(d) What type of discharge or other separation document did you receive upon termination of your military service? *No*

(e) Have you ever been rejected for service in any branch of the armed forces of the United States? *No* If so, state the reason, date and other pertinent facts.

9. Give a complete statement of all employment, including businesses of your own in which you have been engaged, since you became eighteen years of age.

(all in Roch. unless otherwise noted)

Name and Address of Employer or Business	Period of Employment	Reason for Leaving
JYM&WA	From *6 1960* to *9 1960*	*summer work*
Diamond Fish Fry	From *9 1960* to *5 1961*	*store closed*
Coca-Cola Bottling Corp.	From *6 1961* to *9 1961*	*summer work*
Coca-Cola Bottling Corp.	From *6 1962* to *9 1962*	*summer work*
Cilman & Cilman	From *10 1961* to *4 1962*	*school workload*
Rochester Cafe Services	From *9 1962* to *6 1965*	*graduated from college*
Tennis Club of Rochester	From *6 1964* to *9 1964*	*summer work*
Edward J. Regan, Esq.	From *6 1965* to *9 1965*	*summer work (Bronx, N.Y.)*
Ballon, Stoll & Shyman, Esqs.	From *6 1966* to *9 1966*	*summer work (New York)*
New York University	From *6 1966* to *12 1966*	*summer work school workload (two different jobs)*
Multer, Nova & Seymour, Esqs.	From *7 1967* to *9 1967*	*summer work (New York City)*
United States Government Office of Economic Opportunity VISTA	From *8 1968* to *present*	*(Columbus, O.)*

10. (a) Have you ever been required to furnish a bond in connection with any office or employment? *No*

If your answer is "Yes," specify the type of office or position for which you were bonded, amount of the bond, name of the bonding company or other surety, and state whether anyone ever sought to recover upon your bond or to cancel it.

(b) Have you ever been refused a fidelity or other type bond? *No* If so, explain fully.

11. (a) Have you ever ben discharged or asked to resign by any employer? *No* If your answer is "Yes," to this question, state the circumstances.

(b) Have you ever held or applied for a license, or certificate, the procurement of which required proof of good character? *Yes* If so, state, as to each license, the date it was granted, the name and address of the authority issuing it, whether any license or certificate has been refused or revoked, and whether you have been reprimanded, censured, or otherwise disciplined as the holder of a license. *I am a member of the New York Bar, having been admitted by the Appellate Division, Fourth Department, Rochester, New York on December 2, 1968. I have never been reprimanded, censured or otherwise disciplined as a holder of this certificate.*

12. State whether you have been, or presently are:

(a) a party to any action or legal proceeding, including civil, criminal, quasi-criminal, administrative, or any proceeding in the juvenile court *Yes—minor traffic offenses*

(b) addicted to the use of narcotics, drugs, or intoxicating liquors *No*

(c) treated for mental illness *No*

(d) adjudged incompetent by any court *No*

(e) committed to or confined in any mental or correctional institution *No*

(f) adjudicated a bankrupt or placed under a receivership *No*

(g) a member of any organization which advocates the overthrow of the government of the United States by force *I will not answer this question under my right as guaranteed by the Fifth Amendment of the U.S. Constitution.*

If your answer to any section of the above question is "Yes," set forth the facts in detail, designating by letter the portion of the question to which you refer. Include names of cases and dates of all court proceedings, the disposition made thereof, and the name and address of the court in which the record may be found.

(a) Conviction, upon a plea of guilty, to a charge of speeding

1. In Municipal Court of Rochester, N.Y. in October, 1961; sentence was suspended.

2. In Justice Court of Batavia, N.Y. 10/13/64 —$10 fine

13. List the names and addresses of all clubs, societies or organizations of which you are or have been a member.

(a) *I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution.*

14. Are there any unsatisfied judgments against you? *No* If so, list the names and addresses of the holders and the amount due on each judgment.

15. Name five persons (exclusive of relatives) who have known you well for at least five years. (Provide current addresses for, and the occupation of each reference.)

Jonathan Alpert 2724 Brownsboro Rd. Louisville, Ky. Law Student

Marcia Alpert 2724 Brownsboro Rd. Louisville, Ky. Computer Programmer

Robert A. Quigley 79 Greenwich Ave. New York, N.Y. LIFE Magazine Circulation Manager

Harris H. Rusitzky 1577 Monroe Ave. Rochester, N.Y. Corporation Owner and President (Food Service)

Sam Phillips Council of Social Agencies Rochester, N.Y. Professional Social Worker

16. State in your own handwriting in a paragraph not to exceed 100 words your reasons for desiring to be an attorney at law.

My main reason for desiring to be an attorney is that the law is an ever-changing field—it continually develops and does not remain static or stagnant. Consequently it differs from a great many other fields into which I could have gone as a career. Secondanly, [sic] *the law can be an effective tool for molding the social change so necessary today. Working with and within the law to produce such change is, for me, the most important contribution I can make to the society in which I live.*

17. (a) Has your conduct ever been questioned, to your knowledge, with reference to the unauthorized practice of law? *No*

(b) Have you ever been employed or otherwise connected with any person, firm or corporation whose conduct was questioned, to your knowledge, on the subject of unauthorized practice of law while you were so employed or connected? *No*

If your answer is "Yes" to either part of this question, explain the facts in detail.

18. If you have ever held any public office either by election or by appointment, state the nature thereof, when and where. *None*

19. When and where did you last vote in a public election? *Nov, 1964 Rochester, N.Y.*

20. Have you ever been suspended, disqualified or disciplined as a member of any profession; have you ever been removed from any office, public or private, because of conduct reflecting upon your character; or have any charges been made or filed or proceedings instituted against you? *No* If your answer is "Yes," state the facts in detail.

AUTHORIZATION AND RELEASE

I, *Martin Robert Stolar*, born at *Syracuse New York*, *on*
Name City State
April 2, 1943, having filed an application for admission to
Date
the bar of Ohio, consent to have an investigation made as to my moral character, professional reputation and fitness for the practice of law and such information as may be received reported to the admitting authority. I agree to give any further information which may be required in reference to my past record.

I also authorize and request, every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish to the Supreme Court of Ohio any such information, including documents, records, bar association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Supreme Court of Ohio or any of its agents or representatives to inspect and make copies of such documents, records, and other information.

I specifically authorize the Supreme Court to obtain any information from my official record on file with Local Board Number *75* of the Selective Service System, located in the City of *Rochester*, State of *New York*; and hereby consent

to and authorize the release of such information by the Selective Service System.

I hereby request and authorize the Department of the ..... to furnish to the Supreme Court of
(Army, Navy, Air Force)
Ohio, the record of each period of my service therein, and to furnish the character of service rendered for each period. My serial number was ..... *not applicable*

I hereby release, discharge, exonerate the Supreme Court of Ohio, its agents and repesentatives, the admission agency of the above jurisdiction, its agents and representatives, and any person so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or the investigation made by the Supreme Court of Ohio.

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and true of my own knowledge.

State of *Ohio*
ss.
County of *Franklin*

/s/ Martin Robert Stolar
Signature of Applicant

Subscribed and sworn to before me this *23* day of *Dec.* A.D., 19*68*

/s/ Charles A. Williams
Notary Public

APPENDIX G
APPLICANT'S QUESTIONNAIRE FOR BAR EXAMINATION

Before the Supreme Court of Ohio

In the Matter of the Application of

Martin Robert Stolar

For Admission to the Bar Examination

EXPLANATION AND INSTRUCTIONS

This questionnaire when answered, together with the questionnaire which you answered for registration as a law student, will provide the Supreme Court of Ohio and its Committees on Admission to the Practice of Law with information to determine your qualifications for taking the bar examination. The information obtained may be used as a guide to further investigation. Answer all questions fully, truthfully and accurately.

Two completed typewritten copies of this questionnaire are to be submitted to the Clerk of the Supreme Court at least 90 days prior to the date of examination. Only those applications submitted with the affidavit at the end of the questionnaire will be considered.

1. Your full name *Martin* (First) *Robert* (Middle) *Stolar* (Last)
   (a) Date of birth *April 2, 1943*
   (b) Present home address *18 College Complex Cir. Rochester, N.Y.*
   (c) Present residence address *Apt. 1409 999 Caldwell Pl. Columbus, Ohio*
   (d) Home phone *253-7058* Office phone *221-6581*
2. Have you been naturalized since registering as a law student? *No*
   (a) Date.....Court.....
   Forward naturalization certificate to the Clerk of the

Supreme Court for inspection. It will be returned promptly.

3. Law school which you are attending *New York University School of Law*
   (a) Other previously attended *none*
   (b) Degree awarded or to be received *J.D. Degree received June, 1968*

4. Were you ever dropped, suspended or expelled from any law school? *No*
   (a) If so, explain fully:.....

5. Employment since registering as a law student:
   Employment record on registration form is complete and up to date

Employer	Address

6. Since registering as a law student have you ever been a party to or otherwise involved in any legal proceeding, civil or criminal? *No*
   (a) If so, explain fully:.....

7. List the names and addresses of all clubs, societies or organizations of which you are or have been a member since registering as a law student.
   I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution.

8. References: List three citizens of the community in which you have resided for the past five years and one member of the faculty of the law school or schools which you have attended to whom inquiry may be made concerning your character and fitness for admission to the practice of law in Ohio.

Name	Address
Veronika Kraft	*140 W. 57th Street New York, N.Y.*
Robert A. Quigley	*79 Greenwich Avenue New York, N.Y.*
Harris H. Rusitzky	*1577 Monroe Avenue Rochester, N.Y.*
Prof. Homer Kripke	*NYU Law School 40 Washington Sq. New York, N.Y.*

Martin Robert Stolar
Applicant

STATE OF OHIO)
)SS.
COUNTY OF *FRANKLIN*)

Martin Robert Stolar, being duly sworn, states that he is the applicant named in the above questionnaire and says: I have read the foregoing questions and, to my own knowledge, have answered them fully, correctly and truthfully.

/s/ MARTIN ROBERT STOLAR
Applicant

Sworn to before me and subscribed in my presence this *23* day of *December*, 1968.

/s/ CHARLES A. WILLIAMS
Notary Public
Franklin County, Ohio

My commission expires 6-25-72.

APPENDIX H
REPORT OF COMMITTEE ON APPLICANTS FOR ADMISSION TO THE PRACTICE OF LAW
Before the Supreme Court of Ohio
In the Matter of the Application for Registration of
Martin Robert Stolar
As a Candidate for Admission to the Practice of Law

1. How long have you been a member of the local Bar Association? *six years*
2. Do you know the applicant personally? *no* If so, for how long?
3. Are you personally acquainted with the character references given by the applicant? *no*
   If so, what is their reputation in the community?
4. Has your inquiry revealed any questionable conduct which would adversely affect consideration of this application? *see attached statement* If so, what was the nature of such conduct?
5. In your opinion does this applicant possess the high standards of character required for admission to the practice of law? *see attached statement* If your answer is negative, explain in detail.
6. What is your recommendation relative to the applicant's registration as a candidate for admission to the practice of law? *I recommend that he not be registered at this time based on the fact that a complete investigation cannot be made at this time. See reasons set forth in the attached statement.*

Date *January 23, 1969*
Address *37 West Broad St., Columbus*
/s/ J. Richard Lumpe

NOTE: The Court's Rule on Admission to the Practice of Law requires that two members of the local Committee interview each applicant.

On January 23, 1969, the undersigned interviewed the applicant pursuant to the Rules of the Supreme Court of Ohio for applications for the practice of law. Richard Snodgrass, Attorney at Law, a member of the Admissions Committee, was also present for the interview.

It was noted that Mr. Stolar had refused to answer questions 12g and 13 on the Applicant's Questionnaire and question 7 on the Applicant's Questionnaire for Bar Examination for the following stated reason, "I will not answer this question under my right as guaranteed by the Fifth Amendment of the United States Constitution."

Mr. Snodgrass and myself advised Mr. Stolar of the consequences of his refusal to answer these questions. After receiving this advice and stating he understood the matter, Mr. Stolar still refused to answer the above listed questions. His reason for refusing to answer was based on the premise that the questions were not pertinent to his moral and character fitness as an applicant. His principles and personal convictions would not allow him to answer these questions.

Based on my investigation, I find Mr. Stolar to be a very learned person and a very pleasant person, but I cannot recommend him for admission due to the fact he places himself above the rules of the Court and feels that he cannot abide by them when they run afoul of his personal convictions. I also cannot recommend him for admission since I was unable to fully complete the necessary investigation into his moral and character fitness due to his refusal to allow a complete investigation to be made.

/s/ J. Richard Limpe
37 West Broad Street
Columbus, Ohio
221-6755

REPORT OF COMMITTEE ON APPLICANTS FOR ADMISSION TO THE PRACTICE OF LAW

Before the Supreme Court of Ohio

In the Matter of the Application for Registration of Martin Robert Stolar

As a Candidate for Admission to the Practice of Law

1. How long have you been a member of the local Bar Association? *Almost 2 years*
2. Do you know the applicant personally? *No* If so, for how long?
3. Are you personally acquainted with the character references given by the applicant? *No*
   If so, what is their reputation in the community?
4. Has your inquiry revealed any questionable conduct which would adversely affect consideration of this application? *See attached statement.* If so, what was the nature of such conduct?
5. In your opinion does this applicant possess the high standards of character required for admission to the practice of law? *Yes* If your answer is negative, explain in detail
6. What is your recommendation relative to the applicant's registration as a candidate for admission to the practice of law? *See attached statement.*

Date *January 27, 1969*

Address *37 W. Broad St., Columbus, Ohio*

/s/ RICHARD SNODGRASS

NOTE: The Court's Rule on Admission to the Practice of Law requires that two members of the local Committee interview each applicant.

J. Richard Lumpe and I interviewed Mr. Stolar on Thursday, January 23, 1969.

I found Mr. Stolar to be honest and forthright. His statements evidenced also a certain commitment to principle for its own sake, an unusually great amount of social awareness, and a degree of self-interest not reprehensible. On the

basis of the interview and the background actually revealed in Mr. Stolar's applications I have no reluctance to recommend Mr. Stolar for admission to the practice of law.

My recommendation is qualified, however, in that I can recommend him only if the Committee as a whole is willing to recommend his admission despite his refusal, with full notice of the possible consequences, to answer questions on the applications touching on his present and former organizational membership.

Two questions on each application Mr. Stolar, relying on the Fifth Amendment, refused to answer, on the ground that such questions go to matters not properly within the subject matter of such an inquiry. He rejected the argument that the Court, an agency of the state and of which he is to be a servant, has a right to inquire into such matters and to receive his full cooperation in doing so. He did state in response to direct questions that he is not now and has never been a member of the Communist Party, of any socialist party, or of the Students for a Democratic Society, and stated that he has signed the standard U.S. Army pre-induction security oath, which has reference to the "Attorney General's List".

Mr. Stolar was fully advised of the possible consequences of refusing to answer within the context of the *Schwere* and *Konigsberg* cases and the possible position of the Committee and of the Ohio Supreme Court that admission would and could lawfully be denied because of his refusal to answer and cooperate in the investigation. The issue then would seem to be whether the Committee and the Court are willing to honor Mr. Stolar's claimed rights above their own.

/s/ Richard Snodgrass
37 West Broad Street
Columbus, Ohio
228-1511

APPENDIX I
LETTER FROM CHAIRMAN TO PETITIONER

February 7, 1969

Mr. Martin Robert Stolar
999 Caldwell Place
Apartment 1409
Columbus, Ohio

Dear Mr. Stolar:

The Admissions Committee of the Columbus Bar Association has considered your application for admission to the Ohio Bar examination. The committee has voted to deny your application unless by February 21, 1969, you answer questions 12 (g) and 13 of applicant's questionnaire for registration as a law student and question 7 of applicant's questionnaire for admission to bar examination.

Upon receipt of the answers to these questions the investigating committee will further consider your application.

Very truly yours,

WILLIAM H. SCHNEIDER
Chairman
Admissions to the Bar Committee

WHS:lml
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APPENDIX J

LETTER FROM PETITIONER TO CHAIRMAN OF ADMISSIONS COMMITTEE

999 Caldwell Place
Apartment 1409
Columbus, O. 43203
February 10, 1969

William H. Schneider, Esq.
Columbus Bar Association
Committee on Admissions
40 South Third Street
Columbus, Ohio 43215

Dear Mr. Schneider:

I am in receipt of your letter of February 7, advising me of your Committee's denial of my application. Please be informed that I will not change my answers to questions 12 (g), 13 and 7 of the two application forms. This will be my position on February 21, 1969 also.

It is my belief that such questions are not within the proper scope of review for a Bar Association Committee on Admissions and in any event, the answers to such questions are protected by the First and Fifth Amendments of the United States Constitution.

I urge your committee to reconsider its decision. In the event that they do not, or do reconsider and reach the same conclusion, I would appreciate your informing me as soon as possible. In any event, I would like to know if I am entitled to a hearing before the Supreme Court and, if so, I request such a hearing with counsel.

I would appreciate your acting and responding with dis
patch in this matter since the examination is but a shor
time away.

Very truly yours,
/s/ Martin R. Stolar

MRS/s

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APPENDIX K
LETTER FROM CHAIRMAN TO CLERK

February 18, 1969

Thomas Startzman, Esq.
Clerk of Supreme Court
State House Annex
Columbus, Ohio 43215

Re: Martin Robert Stolar

Dear Mr. Startzman:

The Admissions Committee of the Columbus Bar Association has considered the application of Martin Robert Stolar, 999 Caldwell Place, Apt. 1409, Columbus, Ohio, for admission to the Ohio bar examination. As indicated thereon Mr. Stolar has refused to answer questions 12(g) and 13 of applicant's questionnaire for registration as a law student and question 7 of applicant's questionnaire for admission to the bar examination.

The Admissions Committee voted to recommend to the Supreme Court that Mr. Stolar's application be denied unless Mr. Stolar answered the indicated questions. This information was transmitted to Mr. Stolar by certified mail and Mr. Stolar has indicated to the undersigned both by telephone and by letter that he will not answer the indicated questions. A copy of his letter is attached hereto. He further indicates that he did not wish the committee to wait until February 21, 1969, to forward this matter to you.

In view of Mr. Stolar's refusal to answer the questions above referred to, the Admissions Committee of the Colum-

bus Bar Association recommends that Mr. Stolar's application for admission to the Ohio Bar examination be denied.

Very truly yours,

/s/ William H. Schneider
Chairman
Admissions to the Bar Committee

WHS:lml

Enclosure:
(1) copy of letter
cc: Martin Robert Stolar